

REMARKS

Claims 1-3, 5-8, and 10-20 remain in the application. Claims 1, 14, 19, and 20 are in independent form.

Applicant has amended the independent claims to clarify the characterizing feature of the present invention over the prior art. Specifically, Applicant has amended claim 1 to incorporate the limitations of previously pending claim 4. Claim 1 is characterized by the spreadsheet, including a geometric grid thereon, corresponding to the marked grid that designates specific locations. Similarly, the other independent claims were amended to more specifically state that the claimed spreadsheet includes designations corresponding geometrically to at least the first and second geometric dimensions of a marked grid. This clarifies the positional symmetry between the spreadsheet and marked grid, thereby allowing one to identify the specific location of an item within a container. The unexpected result obtained thereby is the ability to locate contents of a container positionally even if the container is closed. Such advantages are discussed in the specification or more specifically on page 7, line 23. No prior art reference cited, either alone or in combination, allows positional identification of the contents of a container if the container is closed. Accordingly, the present invention provides each structure and advantages over the prior art.

Referring specifically to the Office Action, the independent claims were rejected under 35 U.S.C. 103(a) as being unpatentable over the United States Patent Application Publication No. 2002/0116845 A1 to Glover, published April 29, 2002, in view of United States Patent No. 5,842,179 to Beavers, et al. It is undisputed that the Glover patent application discloses a container including numbered positions and a spreadsheet including a column designating each position to a corresponding description of an item, its color, size, and brand name. It must be undisputed that the Glover patent application does not disclose, or even suggest that the spreadsheet therein includes a geometric grid thereon corresponding to the geometry of the marked grid. Accordingly, one can use the spreadsheet disclosed in the Glover patent application to identify which compartment an

item is stored in, in an open container because item designations on the spreadsheet correspond to numbered compartments in the container. However, if the container is closed, one would not know the position or relationship between the item identification on the spreadsheet to a position in the container. One may assume that this is not critical in a container, but the present invention can be also applied to storage freezers where positioning is absolutely critical, especially if one wants to minimize the opening of the freezer to obtain access to biological samples within the freezer. Accordingly, it must be undisputed that the Glover patent application does not disclose or suggest the invention as set forth in the independent claims, as amended, nor can it provide the advantages thereof.

It is further undisputed that the Beavers, et al. patent teaches that it was known in the art to identify locations in a grid by row and column. However, the Beavers, et al. patent, similar to the Glover patent application, teaches a method for identifying goods in a compartment, but does not teach how to positionally recognize where a compartment is from a spreadsheet. The designations on the spreadsheet do not relate to any dimension within a container. Thus, if one was to combine the teachings of Glover and Beavers, et al., one still would not have a spreadsheet from which one could identify the position of a container or compartment within a closed container. In other words, if one was to combine the teachings of Beavers, et al. and Glover, one could identify an item within a container, if the container was open and one had access to the designations within the container. One could not identify the position of the contents of a container if the container was closed and one did not have visual access to the inside of the container. Hence, combining the Glover patent application with the Beavers, et al. patent, one could not identify the position of the contents of a freezer if the freezer door was closed. One would know that the goods were in the freezer and designate it by a certain position, but one would not know where that position is within the freezer.

The present invention not only provides identification of the goods but more importantly, provides positional identification due to the correspondence between the

positioning on the spreadsheet geometrically with the positioning on the marked grid geometrically. Hence, it is respectfully submitted that the independent claims are patentable over the prior art as amended.

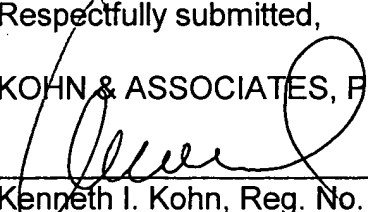
The remaining dependent claims are all ultimately dependent upon at least one of the independent claims discussed above. No prior art reference makes up for the deficiencies of that reference, as no prior art reference discloses the characterizing features of the independent claims as set forth above. The present invention can only be derived from the prior art through hindsight by further modifying one, if not all, of the prior art references in order to derive the positional identification capability of the amended independent claims. Hence, it is respectfully submitted that all depending claims are patentable over the prior art.

In conclusion, the presently pending application is in condition for allowance, which allowance is respectfully requested.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC


Kenneth I. Kohn, Reg. No. 30,955
30500 Northwestern Highway, Suite 410
Farmington Hills, Michigan 48334
(248) 539-5050

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Marie M. Lally